

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No. 09/836,003

Group Art Unit: 3725

Applicant(s): Emilio J. Gutierrez

Examiner: Rosenbaum, Mark

APR - 1 2004

Filing Date: April, 17, 2001

Docket No. 58598-010100

Title: POWDER PROCESSING

Customer No. 33717

OFFICIAL

CERTIFICATE UNDER 37 CFR 1.4(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner Rosenbaum, Mark, Art Unit 3725, Facsimile No. 703 872-9306 on April 1, 2004.

Name: Miyabi Ojima

AMENDMENT

MAIL STOP: FEE AMENDMENT
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

This letter is in response to the Office Action mailed October 6, 2003. Enclosed with the present response is a petition for a three-month extension of time. Kindly enter the following amendments and remarks.

Amendments to the specification begin on page 2 of this paper.

Amendment to the claims are reflected on the listing of claims which begins on page 3 of this paper.

Remarks begin on page 13 of this paper.

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15.

New claims 63 and 64 are deemed to be patentable at least by virtue of their dependency on claim 62.

New independent claims 65 and 74 are a product-by-process wherein the product includes "*matter of whole plants, leaves, roots, dried fruits [or] pharmaceutical actives*", is produced in "*substantial absence of fillers diluents or binders*" and is deemed to be patentable over the cited prior art at least for the same reasons reported with respect to claim 55, 57 and 59 on point 5. above.

New claims 66 to 72 are deemed to be patentable at least by virtue of their dependency on claim 65. New claims 75 to 80 are deemed to be patentable at least by virtue of their dependency on claim 74.

* * *

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned agent.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,



Charles Berman
Registration No. 29,249

Date: April 1, 2004

Customer Number 33717
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